



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9464 of 2019

Vijayan

... Petitioner/Accused No.9

Vs

State Rep.by

The Sub Inspector of Police,
Dindigul Town North Police Station,
Dindigul District.
(Cr.No.227/2019).

... Respondent/Complainant

For Petitioner : M/s.G.Gunasundari,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

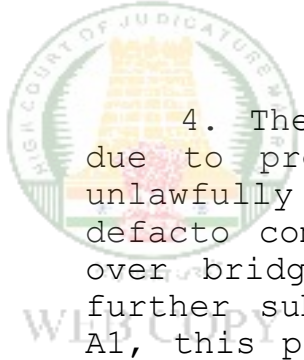
For bail in Cr.No.227 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ accused no.9 seeking bail for the alleged offence under Sections 147,148,302,506 (ii) of IPC.

2. Heard both sides

3. The learned counsel for the petitioner would submit that even as per the First Information Report, due to previous enmity on 23.04.2019 at about 09.30 a.m the petitioner along with other accused persons attacked the defacto complainant's husband at Dindigul Hanumanth Nagar over bridge with aruval and caused death. He further submit that some of the co- accused persons in this case were granted bail by this Court. He would further submit that the petitioner was arrested and remanded to judicial custody on 17.05.2019 and by this time major portion of the investigation might have been completed. Therefore he prayed to grant bail to the petitioner.



4. The learned Additional Public Prosecutor would submit that due to previous enmity the petitioner herein along with others unlawfully assembled together with deadly weapons and attacked the defacto complainant's husband Karthick at Dindigul Hanumanth Nagar over bridge with aruval and patta kathi and caused death. He further submitted that based on the confession statement given by A1, this petitioner was implicated. Hence he opposed to grant bail to the petitioner. However he fairly conceded that some of the co-accused persons in this case were granted bail by this Court and no previous case is pending against the petitioner.

5. Taking into consideration all the allegations made against the petitioner and also the fact the petitioner is in custody for the past 62 days and also considering the fact that the co-accused persons in this case were granted bail by this Court and no other previous case is pending against the petitioner and by this time major part of the investigation might have been completed this Court is inclined to grant bail to the petitioner by imposing conditions:

[a] the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the Judicial Magistrate No.II, Dindigul.

[b] the petitioner shall report before the Respondent Police, daily at 10.30 AM for a period of One Month and thereafter, as and when required for the interrogation.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
19/07/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE JUDICIAL MAGISTRATE NO.II, DINDIGUL.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
 3. THE OFFICER INCHARGE, DISTRICT PRISON,
DINDIGUL.
 4. THE SUB INSPECTOR OF POLICE,
DINDIGUL TOWN NORTH POLICE STATION, DINDIGUL DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.G.GUNASUNDARI Advocate SR.No.11971

ORDER

IN

CRL OP (MD) No.9464 of 2019

Date :19/07/2019

MS/VR/SAR-4/19.07.2019/3P.7C